



405 N. Date Street, Ste 8
Truth or Consequences, NM 87901
575.546.5951
Vicki K. Chávez, Executive Director

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review or Waiver of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Alma d'Arte Charter School)	DA No. 16-600 Released May 31, 2016
)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Petition for Reconsideration by Alma d'Arte Charter School

Alma d'Arte Charter School (Alma d'Arte) respectfully requests reconsideration of a decision by the Wireline Competition Bureau (Commission) in accordance with 47 C.F.R § 1.106(b)(1) and/or (b)(2), Specifically, this Petition for Reconsideration relies on facts or arguments unknown to Alma d'Arte since the last opportunity to present them. Unknown to Alma d'Arte at the time of filing was a change in what the Commission determined to be "special circumstances" that would previously warrant waiver of the Commission's 60 day appeal deadline.

Alternatively, and in the public interest, Alma d'Arte asks the Commission to waive applicable rules and/or policies in this instance and restore funding to Alma d'Arte. This appeal is timely filed within 30 days of the Commission decision.

Form 471 Application Number: 748881
FRN: 2022442
Billed Entity Number: 16055122



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Background

Alma d'Arte applied for E-Rate discounted funding in Fund Year 2010 and was funded. A SPIN change was submitted and approved by the Administrator. Cabling was installed as per the approved services on the Form 471 and the applicant chose the Service Provider Invoice (SPI) method of receiving discounts. Plan B Networks installed the cabling and billed Alma d'Arte for the non-discounted and ineligible portion of the installed services. Plan B issued a Service Provider Invoice which was denied by the administrator. The service provider did not notify Alma d'Arte of the denial of the SPI until the deadline for invoicing had passed.

Plan B Networks was advised by USAC that the invoice deadline had passed. Plan B then sought full payment from Alma d'Arte.

Discussion

Alma d'Arte filed a USAC appeal which was denied. Alma d'Arte subsequently filed an FCC appeal which was denied using a reference to Ada School District, et al, an order issued on April 25, 2016. The original FCC appeal was filed by Alma d'Arte December 21, 2015 – months before the April decision.

The Ada School District, et al order was particularly harsh and contained strong language. Since that order, the State E-Rate Coordinators' Alliance submitted a Petition for Reconsideration and Omnibus waiver of the deadline extension rule. Since that petition was filed, stakeholder groups such as Funds for Learning, and the American Library Association have issued letters of support for SECA's request.



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Alma d'Arte is a small charter school in New Mexico with few resources. The revocation of funding for this cabling has put a financial strain on the school.

They are being penalized due to a mistake made by the Service Provider.

Conclusion

Alma d'Arte filed E-Rate applications in good faith and was funded after the applications were reviewed. Filing deadlines were missed by the service provider. Alma d'Arte was not aware that the Commission had changed its criteria for granting special circumstance waivers as this decision effectively overturns longstanding Commission precedent.

Alma d'Arte recalls language in Bishop Perry that in cases of such minor procedural violations, where there is no evidence of waste, fraud, or abuse, "rigid compliance with USAC's procedures does not further the purposes of section 254(h) or serve the public interest..."

Alma d'Arte asks the Commission to reconsider its denial of the 2010 funding commitments here under appeal and restore badly needed funding to the school.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "VK Chavez", is written over a light yellow rectangular background.